Reporting requirements for finches

Nate Hollings was a new faculty member at Great Eastern University, and he used zebra finches in his research. The school’s animal facility staff had never before worked with zebra finches, but they met with Hollings and discussed husbandry, medical issues, short and long range plans, people to contact to learn more about zebra finch care, and so forth. All went well. The birds bred, offspring were healthy, and when new breeding stock was needed, the animals were purchased from a commercial pet bird breeder.

In October, when Bill Fine, the facility manager, was preparing his worksheet for the school’s USDA annual report, he casually asked the attending veterinarian (AV) if he was correct in excluding the zebra finches from the report because they were all being used for research and the definition of an animal in the Animal Welfare Act regulations excludes birds bred for use in research. The AV agreed but had some second thoughts. Most of the birds in Hollings’ colony were bred for use in research, but those birds that were purchased from the commercial pet bird breeder were initially bred for the pet trade and secondarily purchased to be used in research. “How many birds are we talking about, Bill?” asked the AV. “Twenty-five came from the vendor,” was his answer. That wasn’t what the AV wanted to hear. She was hoping that Fine would say four or five birds, and she was ready to tell him to just consider them as research animals. But 25 birds could not be easily overlooked.

What do you think? Should the finches purchased from the pet bird breeder be included in the USDA annual report because they were never specifically bred for use in research? Or should they be exempt from inclusion in the annual report because Great Eastern used them in research and therefore they should be considered as being bred for research?

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RESPONSE

Not now; maybe later

Deyanira Santiago, BS, MBA, RLATg

The Animal Welfare Act (AWA) defines an animal as “any live or dead dog, cat, nonhuman primate, guinea pig, hamster, rabbit, or any other warm-blooded animal, which is being used, or is intended for use for research, teaching, testing, experimentation, or exhibition purposes, or as a pet. This term excludes birds, rats of the genus Rattus, and mice of the genus Mus, bred for use in research….”

To help determine whether an animal should be included in the USDA annual report, we can look at the USDA annual report instructions, where the punctuation marks make a difference. “Regulated species are the only species included in this report and they are all live, warm-blooded species acquired or bred specifically for NIH for use in the IRP except for: aquatic species; birds; and rats of the genus Rattus and mice of the genus Mus bred for use in research. Rats and mice of any other genera, or rats or mice not bred for use in research, are covered by the AWRs and must be listed appropriately in Columns A through F.” The instructions state that birds should not be included in the report.

The Animal and Plant Health Inspection Service (APHIS) of USDA is still contemplating what the regulations for standard care of birds not specifically bred for research will encompass. The AWA did not originally include birds, and the 2002 amendment, which was written to synchronize the current regulations and the AWA, excluded only birds bred for research. Therefore, unless the birds are originally bred for research, they are covered under the AWA. At this time, however, there are no specific regulations for the care and use of birds. In June 2004, APHIS submitted an advance notice of proposed rulemaking and request for comments to the general public regarding Regulations and Standards for Birds, Rats, and Mice (http://www.aphis.usda.gov/publications/animal_welfare/2011/FS_QARmb.pdf). Since then, the government has been collecting information from many different specialists in different fields. This must be a daunting task, considering that there are more than 10,000 species of birds ranging in size, habitat, food, behavior, etc. The government has been working on the proposed rulemaking and should publish it in the near future for the public to make comments. Even after the public comment period, it may take several years for the final ruling to be published and implemented. Until that time, it would not be mandatory to include in the report the finches purchased at the pet store or from any pet animal vendor for Hollings’ colony.


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RESPONSE

Finches should be included

Sangeetha Satheesan, MS, BVSc, AH & Trinka Adamson, MS, DVM, DACLAM

In the US, the management, housing and care of animals intended for research or experimental purposes are regulated by federal legislation. Under the Animal
Your interests are at the heart of our business.
Welfare Act (AWA), warm-blooded animals used in research, testing, experimentation or for exhibition purposes or as pets are covered. Birds are excluded only when those birds were specifically bred for use in research or are used or intended for use for agricultural purposes. The AWA regulations include pet bird breeders whose business involves breeding and raising birds for the sole purpose of maintaining breeding colonies of birds, bird dealers who are involved in purchase and resale of birds, and bird exhibitors who are involved in showing and displaying birds to the public (http://www.proaviculture.com/NAWAProposaltoUSDA.pdf). Therefore, the birds purchased from the commercial pet bird breeder would be covered under the AWA regulations, and should be included in the annual report sent to the USDA by the institution.

The inclusion of birds in the AWA is a somewhat recent development as a consequence of the Farm Security and Rural Investment Act of 2002 amendment; however, specific regulatory standards have not been published. As with any new regulation, the proposed rule will have to be published in the Federal Register and then subject to a public comment period. The final rule will then be developed and published, with the whole process taking 1–2 years. According to recent announcements from USDA officials, the proposed regulation is still under review within the USDA and will most likely be delayed owing to serious concerns about the ability of the agency to implement the regulation (http://ornithologyexchange.org/forums/topic/1018-usda-reg-on-rats-mice-and-birds-delayed/). Thus, although it seems that birds should be reported in order to maintain compliance with the AWA, there are no expectations or standards yet printed for animal facilities to use regarding the care of these animals. Interestingly, birds have also not yet been included on the annual report form currently distributed by the USDA.

Taking all the above points into consideration, we believe that Great Eastern University should report the zebra finches purchased from the pet bird breeder in the USDA annual report. Whether the number of birds was 1 or 100, under the AWA as currently written, birds not bred for research are covered. Even though there is currently confusion regarding the reporting expectations for birds, we believe that the attending veterinarian should include the zebra finches purchased from the pet bird breeder in the USDA annual report in order to ensure compliance with the AWA. The birds could be included in the ‘other’ category on the annual report form.

2. Animal Welfare Act and Regulations. 9 CFR.

**Response**

When in doubt!

Rhetts W. Stout, DVM, PhD, DACLAM

The scenario raised at the Great Eastern University concerning the reporting of zebra finches to the USDA brings up two questions. First, should the finches purchased from the vendor be reported on APHIS Form 7023 (Annual Report of Research Facility)? Second, does it matter how many animals (birds in this case) are in question? For the purposes of this discussion, I will not address the issue of birds used for agricultural purposes.

To answer to the first question, I refer to the instructions for APHIS Form 7023, the Animal Welfare Regulations (CFR Title 9) and the Animal Welfare Act (AWA) itself. Section 2143(a)(7)(A) of the AWA addresses the requirement for annual reporting of animal use at research facilities. The definition of animal is addressed in section 2132(g), where birds are excluded only if they are bred for use in research. The definition of animal was also addressed in 1985 (PL 99-198), where the original definition was essentially reaffirmed. The same definition of animal can be found in the CFR along with the yearly requirement for annual reporting. A quick reference regarding annual reporting, including those animals that should be excluded from the report, historically could be found in Policy 17 of the APHIS Animal Care Resource Guide. Policy 17 stated that birds bred for use in research should be excluded from the report. Unfortunately, this policy has been eliminated from the Animal Care Resource Guide as of 2011 (ref. 4) and a concise alternate document is not readily available, to my knowledge. Regardless, the birds born at Great Eastern need not be reported, whereas the other birds purchased from the breeder to start and maintain the colony of finches must be reported. Additionally, those birds purchased from the breeder must be reported every year until they leave the university.

Occasionally, we need to refresh our memories concerning reporting
requirements, especially when animals normally not included are used at a given institution. What is difficult to understand is the attending veterinarians concern about the actual number of animals that may need to be reported. To my knowledge, none of the regulations regarding annual reporting describe or even hint at some threshold number that would trigger the need to report. Moving forward, Great Eastern must report all covered animals regardless of how many are maintained by the university, even if it is just one.

Lastly, when there is any doubt about the requirements for reporting, a given institution should err on the side of caution and report the animals. At worst, APHIS may request modifications to the report, and even if it is overly inclusive, the report would indicate that the institution is making a good faith effort to comply with federal regulations.


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